IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22501 of 2004

Between:

K.V.Ramana Reddy S/o.Rami Reddy
F.P.Shop Dealer, Shop No.2 Pedaganjam (V),
Chinaganjam (M), Prakasam Dist.

..... PETITIONER

AND

1 The Joint Collector Ongole
Prakasam Dist.
2 The Revenue Divisional Officer
Ongole, Prakasam Dist.
3 The Mandal Revenue Officer
Chinaganjam (M), Prakasam Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate order writ o direction more particularly one in the nature of writ of Mandamus, declaring the action of the 1st respondent in not passing any orders in the appeal filed by the petitioner as illegal, arbitrary, unjust and consequently set aside the order dt 5-11-2004 vide Rc.C/1584/2004 passed by the 2nd respondent.

Counsel for the Petitioner: MR.M.SREE RAMA MURTHY

Counsel for the Respondent Nos.1 to 3: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following:

Oral order:-

The petitioner is a Fair Price Shop Dealer of Peddaganjam village of Chinnaganjam mandal, Prakasham district. The 2nd respondent suspended the authorization of the petitioner through order dated 05-11-2004. The petitioner claims to have preferred an appeal to the 1st respondent together with an application for grant of stay. His grievance is that no orders have been passed so far and in the meanwhile, the 2nd and 3rd respondents are making alternative arrangements.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The petitioner alleges that the order of suspension was served upon him only on 29-11-2004. On the same day, the petitioner preferred an appeal before the 1st respondent. It is true that the 1st respondent cannot be said to have unduly delay the disposal of application for grant of stay. But many a time, even delay of few days or weeks may render the appeal futile.

The allegations against the petitioner are that he is causing inconvenience to the card holders by keeping the shop open only for two or three days in a month; not maintaining timings and a vague and general allegation is made against the petitioner to the effect that he is diverting essential commodities to the black market. The order of suspension itself discloses that the action has been initiated on the representation of one Sk. Subhani and twenty eight (28) others of Peddaganjam

village. Suspension of dealership on the basis of unverified allegations and without giving an opportunity to the petitioner to explain cannot be said to be a proper and objective exercise of powers.

In that view of the matter, the writ petition is disposed of directing the order of suspension dated 05-11-2004 shall stand stayed, pending disposal of the appeal by the 1st respondent. No costs.

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L. NARASIMHA REDDY, J

Dt. 07-12-2004

Pvks/*

Nb: Furnish c.c. in three days.

B/o

Pvks/*

To

1 The Joint Collector, Ongole
Prakasam Dist.
2 The Revenue Divisional Officer
Ongole, Prakasam Dist.

3 The Mandal Revenue Officer
Chinaganjam (M), Prakasam Dist.

4.2CCs to the Government Pleader for Civil Supplies, A.P. High Court Buildings, Hyderabad (OUT).

5.2CD copies

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